THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14133 of 2007

Dated: 09-07-2007

Between:

Seelam Rama Mohan Rao and others.

..... PETITIONERS

AND

The District Collector, Krishna District, Machilipatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14133 of 2007

ORDER:

The petitioners are allegedly in possession of land admeasuring Ac.0.20 each in survey No.209/2B situated at Penamaluru Village and Mandal, Krishna District, having purchased the same from different persons. Third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and passed orders on 30.05.2007 ordering resumption of the land from the petitioners on the ground that the same is assigned land. The petitioners then filed an appeal before second respondent on 28.06.2007 along with stay application. Second respondent is yet to pass orders. In the meanwhile, it is alleged that the respondents are visiting the land with a view to dispossess the petitioners. Apprehending such dispossession, instant writ petition is filed.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is of the considered opinion that the writ petition is filed on mere apprehension. As per Section 4-A of the Act, a period of ninety days is allowed for filing an appeal before the Revenue Divisional Officer concerned. The petitioners preferred the appeal before second respondent within a period of one month from the date of orders of third respondent. Therefore, even if second respondent has not passed any orders, third respondent cannot take possession of the petitioners. This Court also observes that second respondent should immediately pass orders in the stay application after receiving a copy of this order. Liberty is given to the petitioner to approach second respondent with a copy of this order and press for interim orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

09th July, 2007

ghn